

REMARKS

Claims 126-127, 131, 144, 149, 150, 157, 159-161 and 163-172 are pending in the application. Claims 126, 144, 160-161 and 163-164 have been amended and claim 157 has been cancelled without prejudice. Accordingly, after the amendments presented herein have been entered, claims 126-127, 131, 144, 149, 150, 159-161 and 163-172 will remain pending.

Support for the amendments to the claims may be found in the specification and claims as originally filed. Specifically, support for the amendments to claims 126, 160 and 161 may be found, for example, at least at page at page 18, line 4 and at page 21, lines 18-19 of the specification as originally filed. Support for the amendments to claims 144, 163 and 164 may be found, for example, at least at page 19, lines 5-10 and at page 21, lines 18-19 of the specification as originally filed.

No new matter has been added to the application. Any amendments to and/or cancellation of the claims was done solely for the purpose of expediting prosecution of the present application and is not to be construed as acquiescence to any of the Examiner's objections or rejections. Applicants reserve the right to pursue the claims, as originally filed, or similar claims in this or one or more subsequent patent applications.

Telephonic Interviews of August 29, 2012 and September 19, 2012

Applicants and their Attorney thank Examiner Devi for the courtesy of the telephonic interviews of August 29, 2012 and September 19, 2012, during which the outstanding rejections and the foregoing claim amendments were discussed.

The issue of sufficient written support for the genus "high G+C Gram-positive bacterial cells" was raised during the interviews. Applicants respectfully note that this issue had been previously raised by the Examiner, addressed by Applicants and withdrawn by the Examiner. Specifically, this issue was addressed by Applicants in the Supplemental Amendment filed on June 14, 2011 in response to the Examiner's rejection of claims 126 and 144 and claims dependent therefrom under 35 U.C.S. § 112, first paragraph. In the Supplemental Amendment, Applicants provided arguments and additional post-filing data in support of adequate written description for claims 126 and 144 and claims dependent

therefrom that were amended to recite “high G+C Gram-positive bacterial cells”. Applicants further respectfully note that in the Final Office Action dated January 18, 2012, the Examiner withdrew the rejection of claims 126, 144 and claims dependent therefrom as containing inadequate written description in light of Applicants’ amendment to the claims (page 9, paragraph 10 of the Final Office Action).

Nevertheless, in light of the discussion during the telephonic interviews, Applicants have amended claims 126, 144, 160-161 and 163-164 to limit the scope of the genus “high G+C Gram-positive bacterial cells” to *Mycobacteria* ssp. and *Micrococcus* ssp. Applicants respectfully submit that the above amendments have been made solely in the interest of expediting prosecution and should not be construed as an acquiescence to the Examiner’s characterization of the claims. With regard to the number of species encompassed by the sub-genus “*Micrococcus* ssp.”, as discussed during the telephonic interview of September 19, 2012, Applicants respectfully refer the Examiner to the Second Edition of Bergey’s Manual[®] of Systematic Bacteriology, published in 1986 (relevant pages are included herein as Appendix C for the Examiner’s convenience). As indicated therein, it was well known in the art at the time of the present invention that there are nine species belonging to the sub-genus *Micrococcus* ssp. that include *Micrococcus luteus*, *Micrococcus lylae*, *Micrococcus varians*, *Micrococcus roseus*, *Micrococcus agilis*, *Micrococcus kristinae*, *Micrococcus nishinomiyaensis*, *Micrococcus sedentarius* and *Micrococcus halobius* (see pages 1005-1006).

Applicants respectfully submit that claims 126, 144, 160-161 and 163-164 and claims dependent therefrom, as amended, find adequate support in the specification, as originally filed, for the reasons already of record. Accordingly allowance of the claims presented herein is respectfully requested.

CONCLUSION

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 449-6500.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-4876, under Order No. 118160-00301.

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Respectfully submitted,

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